

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHEASTERN DIVISION

United States of America,	)	
	)	
Plaintiff,	)	
	)	Criminal No. 2:02-cr-86
vs.	)	
	)	
Earland R. McKay	)	
	)	
Defendant.	)	

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On January 15, 2008, the supervising probation officer filed a petition alleging a violation of supervised release (doc. #49). As provided in 18 U.S.C. § 3401(i), the Court designated the Honorable Alice R. Senechal, United States Magistrate Judge, to conduct hearings and submit proposed findings of fact and recommendations on the matter. A hearing on the petition was held before the Magistrate Judge on January 29, 2008.

Before the Court is a Report and Recommendation from the Magistrate Judge, recommending this Court find the Defendant violated conditions of his supervised release (doc. #63). Upon review of these items and the entire file, the Court finds the Magistrate Judge's Recommendations correct and hereby adopts the Report and Recommendation. The Court thus **FINDS** that a violation of supervised release has occurred as alleged in the petition.

Based upon the Magistrate Judge's Recommendations, **IT IS ORDERED** that the Defendant's supervised release is revoked and

that the Defendant be incarcerated for a period of twelve (12) months. In addition to the Magistrate Judge's Recommendations and at the suggestion of the supervising probation officer, the Court recommends to the Federal Bureau of Prisons that the Defendant be allowed to serve his incarceration at the Stutsman County Correctional Center. At the completion of this term of incarceration, no term of supervised release is ordered.

**IT IS SO ORDERED.**

Dated this 22nd day of February, 2008.



RODNEY S. WEBB District Judge  
United States District Court